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July 26, 2024

The Honorable Jennifer L. Hall
United States District Court for the District of Delaware
844 N. King Street
Wilmington, Delaware 19801

Womble Bond Dickinson (US) LLP

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Re: **Ferring Pharm. Inc. et al. v. Finch Therapeutics Group, Inc. et al,**
No. 21-1694-JLH

Redacted Version of D.I. 407

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Dear Judge Hall:

Per the Court's order on July 23, we write with an update with respect to Dr. Borody's anticipated trial testimony. We have received confirmation that Dr. Borody intends to travel to the U.S. next week and plans to attend trial. Dr. Borody will be available for deposition in Delaware on Saturday, August 3.

Additionally, regarding the arguments raised in Finch's July 26 letter about Dr. Borody's documents (D.I. 402), Finch identifies only two supposedly "late-produced" documents, TX-3453 and TX-3581. Ferring does not believe that the production of these documents was untimely. Regardless, the two documents span a total of three pages (both are attached as Exhibits A and B for the Court's convenience), and Finch will have the opportunity to depose Dr. Borody prior to trial. Thus, Finch will not suffer any prejudice related to the production of these documents. Moreover, as is evident on their face, the documents are relevant to the standing issue.

Finch's remaining arguments all can be addressed, if necessary, by raising the appropriate objections during Dr. Borody's testimony.

Respectfully submitted,

Mary W. Bourke (#2356)